

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF INDIANA 2011 AUG 16 AM 11:15  
HAMMOND DIVISION

EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )  
Plaintiff, )  
v. ) CIVIL ACTION NO.  
SAC GRIFFITH, INC., d/b/a )  
PEPE'S MEXICAN RESTAURANT )  
Defendant. )  
\_\_\_\_\_  
[2 11 CV 295  
COMPLAINT  
JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex and to provide appropriate relief to Amber Murdock, who was adversely affected by such practices. As alleged with greater particularity in paragraphs 7-10 below, the Commission alleges that Defendant's owner subjected Amber Murdock to sexual harassment, consisting of unwanted verbal and physical conduct, and terminated her because of her pregnancy, thereby discriminating against her because of her sex, in violation of Title VII.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706 (f)(1) and (3) of

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) (“Title VII”) and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Northern District of Indiana, Hammond Division.

#### PARTIES

3 Plaintiff, the Equal Employment Opportunity Commission (the “Commission”), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706 (f)(1) and (3) and of Title VII, 42 U.S.C. § 2000e-5 (f) (1) and (3).

4. At all relevant times, Defendant, SAC Griffith, Inc., d/b/a Pepe’s Mexican Restaurant (the “Employer”), has continuously been an Indiana corporation, doing business in the State of Indiana and the City of Griffith, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Employer has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

#### STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Amber Murdock filed a charge with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least January 2006, Defendant Employer has engaged in unlawful employment practices at its Griffith, Indiana facility, in violation of Section 703(a) (1) of Title VII, 42 U.S.C. §§ 2000e-2(a) (1).

- a) Defendant unlawfully discriminated against Amber Murdock, because of her sex, female, by subjecting her to unwanted sexual harassment, both verbal and physical from Defendant's owner, in violation of Section 703(a) (1) of Title VII, 42 U.S.C. §§ 2000e-2(a) (1).
- b) Defendant unlawfully discriminated against Amber Murdock by terminating her employment because of her pregnancy, in violation of Section 703(a) (1) of Title VII, 42 U.S.C. §§ 2000e-2(a) (1).

8. The effect of the practices complained of in paragraph 7 above has been to deprive Amber Murdock of equal employment opportunities and otherwise adversely affect her status as an employee, because of her sex.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to the federally protected rights of Amber Murdock.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, its officers, agents, servants, employees, attorneys, and all persons in active concert or participation with them, from

engaging in sexual harassment, from terminating employees because of their sex and pregnancy, and any other employment practice which discriminates on the basis of sex.

B. Order Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for women and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Employer to make whole Amber Murdock by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to rightful place reinstatement of Amber Murdock.

D. Order Defendant Employer to make whole Amber Murdock by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including but not limited to out of pocket expenses, job search expenses, and medical expenses, plus prejudgment interest, in an amount to be determined at trial.

E. Order Defendant Employer to make whole Amber Murdock by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including but not limited to physical and emotional pain and suffering, mental anguish, humiliation, and loss of enjoyment of life, in an amount to be determined at trial.

F. Order Defendant Employer to pay Amber Murdock punitive damages for its malicious and reckless conduct described in paragraph 7 above, in an amount to be determined at trial.

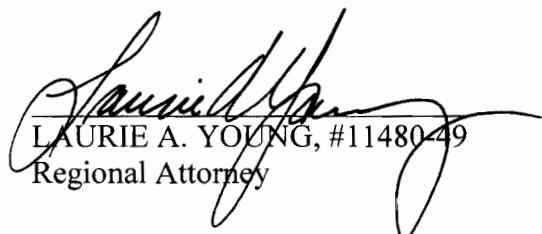
G. Grant such further relief as the Court deems necessary and proper in the public interest.

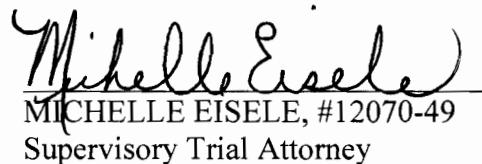
H. Award the Commission its costs of this action.

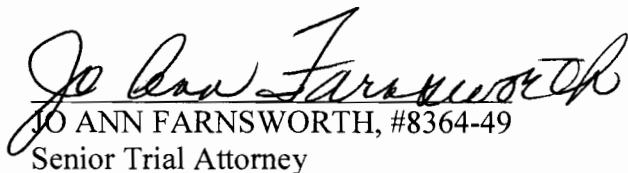
JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully Submitted,

  
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